

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director  
954-797-1101

**SUBJECT:** Ordinance

Lands Ordinance reestablishing the Zoning in Progress for the Rural Initiative.

**AFFECTED DISTRICTS:** District 1, District 2, District 3, and District 4

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, INITIATING AND DECLARING A PLANNING AND ZONING IN PROGRESS FOR PROPERTIES BOUND BY GRIFFIN ROAD ON THE NORTH, THE FLORIDA TURNPIKE ON THE EAST, UNIVERSITY DRIVE ON THE WEST, AND STIRLING ROAD ON THE SOUTH, AND CONFIRMING THE EXISTING ZONING IN PROGRESS PREVIOUSLY DECLARED ON JULY 3, 2001, FOR THE AREA BOUND BY NOB HILL ROAD ON THE EAST, 14<sup>TH</sup> STREET ON THE NORTH, THE TOWN LIMITS ON THE WEST AND THE SOUTH, SAID ZONING IN PROGRESS APPLYING TO ALL PARCELS OF PROPERTY OF 20 ACRES IN SIZE OR GREATER, ALL PURSUANT TO SECTION 12-315 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

The Town Council has initiated a zoning in progress, established to provide regulations to assist in the preservation of the rural character of Davie, on July 3, 2001, for the area bound by Nob Hill Road on the east, SW 14th Street on the north, and the Town boundaries on the west and east. The Town Council expanded the boundaries of the previously established zoning in progress to include properties south of Griffin Road, west of the Florida Turnpike, east of University Drive and north of Stirling Road. Resolution 2002-31 was approved on February 6, 2002.

Additional parameters include property with a land use classification of 1 unit per acre and an overall parcel size of greater than 20 acres.

The adoption of an Ordinance, approving such a zoning in progress, is one mechanism, recognized by the courts, to legalize initiate such a zoning in progress, with the intent that the Town will work during such time to develop guidelines to implement the goals established at the initiation of the zoning in progress.

**PREVIOUS ACTIONS:** The Town Council adopted Resolution 2002-31 on February 6, 2002 to expand the boundaries of the zoning in progress, motion carried 4-0, Mayor Venis absent.

The Town Council initiated the zoning in progress on a motion made by Vice-Mayor Paul and seconded by Councilmember Truex on July 3, 2001 (motion carried 5-0).

**CONCURRENCES:** The Local Planning Agency voted to approved the Ordinance, reaffirming the zoning in progress and expanding the boundaries on February 27, 2002 (motion passed 4-1, Ms. Moore dissenting).

**FISCAL IMPACT:**

Has request been budgeted? yes no

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Ordinance

ORDINANCE NO:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, INITIATING AND DECLARING A PLANNING AND ZONING IN PROGRESS FOR PROPERTIES BOUND BY GRIFFIN ROAD ON THE NORTH, THE FLORIDA TURNPIKE ON THE EAST, UNIVERSITY DRIVE ON THE WEST, AND STIRLING ROAD ON THE SOUTH, AND CONFIRMING THE EXISTING ZONING IN PROGRESS PREVIOUSLY DECLARED ON JULY 3, 2001, FOR THE AREA BOUND BY NOB HILL ROAD ON THE EAST, 14<sup>TH</sup> STREET ON THE NORTH, THE TOWN LIMITS ON THE WEST AND THE SOUTH, SAID ZONING IN PROGRESS APPLYING TO ALL PARCELS OF PROPERTY OF 20 ACRES IN SIZE OR GREATER, ALL PURSUANT TO SECTION 12-315 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.

**WHEREAS**, Section 12-315 of the Land Development Code of the Town of Davie authorizes the declaration of a planning and zoning in progress when a change in zoning district or land use designation boundaries, land use regulations, or amendment to the zoning and land development code is being considered by the Town Council; and

**WHEREAS**, such a change is being considered and studied by the Town Council for the following described area (hereinafter referred to as Area No. 1):

All properties within the area bounded by Griffin Road on the north, the Florida Turnpike on the east, University Drive on the west, and Stirling Road on the south.

**WHEREAS**, on July 3, 2001, the Town Council previously declared a zoning in progress pursuant to Section 12-315 for the following described area (hereinafter referred to as Area No. 2):

All property within the area bounded by Nob Hill Road on the east, 14<sup>th</sup> Street on the south, the Town limits on the west, and the Town limits on the south.

**WHEREAS**, the Town Council has determined that review of land development regulations are necessary to assure that the rural and semi-rural character of the Town is preserved; and

**WHEREAS**, the Town will be considering regulations to preserve the rural lifestyle of the Town of Davie; and

**WHEREAS**, the Town Council is considering a change in zoning districts, land use regulations, or amendment to the zoning and land development code relating to Area No. 1 and Area No. 2 and such changes have been initiated by the Town Council and diligently

developed and studied by staff and the Town Council; and

**WHEREAS**, the Town Council has initiated and declared a zoning in progress for Area No. 1 and to confirm the existing zoning in progress for Area No. 2;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The above WHEREAS clauses are true and correct and made a part hereof as if fully set forth herein.

**SECTION 2.** The Town Council of the Town of Davie hereby confirms the zoning in progress as set forth in Resolution 2002-31.

**SECTION 3.** All property subject to the zoning in progress is declared to be critical to the rural lifestyle which the Town Council is committed to preserve. Land development regulations aimed at furthering such preservation are under consideration and the Town Council holds that development of such regulations is critical to further the goals, objectives and policies of the Town Charter and Comprehensive Plan.

**SECTION 4.** No development order, site plan approval, permit, or license of any kind shall be issued, and no change of occupancy shall occur if such development order, site plan approval, permit, license, or occupancy would result in a non-conforming or unlawful use of the property within Area No. 1 or the property within Area 2 should the proposed changes as being considered by the Town be adopted. A land use plan amendment is not deemed a development order and shall not be subject to the above declared zoning in progress.

**SECTION 5.** This ordinance shall apply to all parcels of 20 acres or greater. This zoning in progress shall conclude on July 3, 2002, unless extended by the Town Council by resolution. No parcel of 20 acres or more may be subdivided or otherwise separated during this zoning in progress.

**PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002**

**PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002**

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

Approved this \_\_\_\_ day of \_\_\_\_\_, 2002.